IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.1120 0F 2007

Kumarpal Nitin Shah Petitioner.

Vs.

Karishma Kumarpal Shah, Respondent.

WRIT PETITION NO. 1575 OF 2007

Mrs. Karishma Kumarpal Shah Petitioner

Vs.

Mr.Kumarpal Nitin Shah Respondent

Mr C D'Souza with Dolly i/b Dalla & Associates for the petitioner.

Mr Shriram S Kulkarni, for the respondent.

CORAM : D.B.BHOSALE, J.

DATED : 4th JULY, 2007.

P.C.:

1. Heard the learned counsel for the parties.

2. These two writ petitions, one filed by the husband and the other by the wife, are directed against the order of maintenance dated 11.10.2006 passed by the Family Court by which the husband has been directed to pay Rs. 6,000/- per month to the wife towards her interim maintenance from the date of the application till the decision of the main petition and Rs. 3000/- as cost of the application.

By this order the husband has also been directed to hand over the jewellery of the wife brought by her at the time of the marriage to her in the presence of the marriage counsellor on 12.10.2006.

3. I heard learned counsel for the parties. When I expressed as to what order I propose to pass in these petitions, both the learned counsel fairly stated that I need not record reasons. In the circumstances I dispose of both the petitions by the following order.

. The petitioner husband shall pay to the respondent-wife or deposit in the Family Court the maintenance as per the impugned order till the disposal of the main petition No.A-352/06 filed by the wife seeking divorce. If the amount aforestated is deposited in the Family Court, liberty to the wife to withdraw the same unconditionally. The Family Court shall proceed with the hearing of the petition and dispose of the same within six months from the date of clearing of the arrears of maintenance by the husband. The learned counsel for the husband, on instructions, stated that the husband will clear all the arrears within 12 weeks. His statement is accepted. If the husband fails to pay the amount of maintenance as per the impugned order, it is open for

the wife to adopt appropriate proceedings to recover the said amount.

. The Family Court shall dispose of the main petition for divorce and shall deal with the issue of maintenance on merits and uninfluenced by the impugned order. It is open for the petitioner-husband to apply for setting aside the order of defence being struck down by the Family Court. If such an application is filed, same may be considered in accordance with law. It is needless to express that till disposal of the petition for divorce, the petitioner husband shall keep paying monthly maintenance as per the impugned order.

. Both the writ petitions stand disposed of.

(D.B.Bhosale,J.)